THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.10173 of 1999

Dated: 17.07.2006

Between
K.Venkata Rama Raju

…..Petitioner

and

1.The Superintendent Engineer, Irrigation and Drainage Department, Eluru, West Godavari District and others.

….Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.10173 of 1999

ORDER:

This writ petition is directed against an order passed by the

Assistant Engineer, Irrigation & Drainage Department, Marteru Section, Marteru, West Godavari District dated 6.5.1999 wherein the petitioner was directed to remove his coconut trees situated on either bunds of Drainage Canal situated in Survey Numbers 36-A and 36-B of Artlakatta village, Palkol Mandal, West Godavari District, failing which the petitioner will be evicted from the land and the trees will be cut by the Department.

While admitting the writ petition on 18.5.1999, an interim order was passed directing the respondents not to cut the 120 trees belonging to the petitioner standing on the Northern and Southern bunds of Drainage canal situated in S.Nos.36-A and 36-B o f Artlakatta village and not to cause any damage to the said coconut trees, pending further orders.

The petitioner asserted that he is the owner of the land admeasuring Ac.6.18 cents in S.No.35 of Artlakatta village, Poduru Mandal, West Godavari District. The drainage bunds of the canal are vested in the Artlakatta village Gram Panchayat. In the year 1983, the Gram Panchayat, Artlakatta, granted him permission to plant coconut saplings on the bunds of the said drainage canal.

Again in the year 1984, Tahsildar, Podur Taluk granted him licence for planting the coconut saplings on the bunds of the canal. Accordingly, he planted 80 coconut trees on the southern bund of the canal in the year 1983 and 1984 and since then he has been in peaceful possession and enjoyment of the coconut trees. But, surprisingly, he has received the impugned notice directing him to remove the bunds.

In view of the interim order passed on 18.5.1999, no further orders are necessary in this writ petition as of now.

Therefore, the writ petiton is closed. However, this will not preclude the respondent-authorities from taking any action as per law after putting the petitioner on notice and hearing him personally.

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17.07.2006

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